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May 2, 2002

VIA FACSIMILE AND U.S. MAIL

Robert A. Steinberg, Esq.
Waite, Schneider, Bayless,
& Chesley Co., L.P.A.
1513 Central Trust Tower
Cincinnati, OH 45202

Re: *Barbara Loder Hildebrandt v. Hyatt Hotels Corporation, et al.*
Case No. C-1-02 0003

Dear Bob:

Thank you for your recent e-mail regarding your willingness to reschedule the depositions we had talked about for the first week in June. I am happy to make these depositions first priority, after the trial we referenced in our correspondence. Unfortunately, we have been placed on a trial docket beginning June 10, 2002, and, at this point in time, we have no way of knowing a date certain for trial. I propose waiting until I return from vacation to schedule further depositions, as it would be disruptive to you to schedule something, only to find out that our trial will held be that week. I will be back in the office on May 21, 2002. Please let me know your thoughts regarding this issue.

I also wanted to follow up with you on an issue we discussed during our conversations in Chicago in mid-April. As you may recall, we talked about dismissing Brian Booth as a Defendant in this lawsuit, in light of the deposition testimony of Mr. Booth, Jack Horne, and Ty Helms, which clearly revealed that Mr. Booth had no responsibility whatsoever for the decisions regarding the Reduction in Force affecting the National Sales Force. Additionally, during Plaintiff's employment, Mr. Booth took no adverse action against Plaintiff for any reason. He simply communicated to her the decision that had been made with regard to the Reduction in Force. As we also discussed, if Brian Booth remains a named Defendant in this lawsuit, we will seek our fees and costs related to his representation, as his role, or lack thereof, became clear in the depositions taken in mid-March 2002. Certainly, we would like to avoid such an unnecessary controversy, especially as you expressed doubt about any facts which would support his continued participation in the case as a party.

Atlanta · Chicago · Fort Lauderdale · Irvine · New Orleans · Oakland · San Diego

EXHIBIT

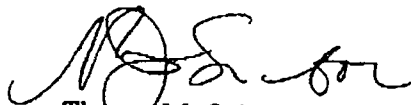
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Robert A. Steinberg, Esq.
May 2, 2002
Page 2

Thank you for your consideration of these matters. Should you have any questions, please let me know. My last day in the office is Friday, May 3, 2002, and I will return to the office on May 21, 2002.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Theresa M. Gallion', written in a cursive style.

Theresa M. Gallion
FOR FISHER & PHILLIPS LLP

TMG/jsl

cc: Natalie J. Storch, Esq.

FISHER & PHILLIPS LLP

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SAN FRANCISCO

CITY CENTER
502 FOURTEENTH STREET, SUITE 200
OAKLAND, CALIFORNIA 94612

DATE/TIME: May 2, 2002

SENT TO: Robert A. Steinberg, Esq.

COMPANY: Waite, Schneider, Bayless & Chesley Co., L.P.A.

FAX NO.: 513-381-2375

SENT BY: Natalie J. Storch

SUBJECT: Barbara Loder Hildebrandt v. Hyatt Hotels Corporation, et al.

CLIENT/MATTER: 13292.0007

PAGES: 3 (Including Cover Sheet)

MESSAGE: Please see attached.

Please contact Jacki if there are any problems with this transmission.

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* * * COMMUNICATION RESULT REPORT (MAY. 2. 2002 4:36PM) * * *

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION
4

5
6 BARBARA LODER HILDEBRANDT,

7 Plaintiff,

8 vs.

9 HYATT HOTELS CORPORATION, et al.

10 Defendants.
11

CASE NO.
C-1-02-003

12
13 DEPOSITION OF: DAWN BEAGLE

14 Pursuant to Agreement

15 DATE: September 25, 2002

16 TIME: Commencing at 9:00 a.m.

17 PLACE: Offices of Cors & Bassett
18 537 East Pete Rose Way
19 Suite 400
20 Cincinnati, Ohio 45202

21 BEFORE: Nancy A. Burns
22 Notary Public - State of Ohio
23
24

1 DAWN BEAGLE

2 of lawful age, a witness herein, being first duly sworn as
3 hereinafter certified, was examined and deposed as follows:

4 CROSS-EXAMINATION

5 BY MS. GALLION:

6 Q. Good morning. How are you?

7 A. Fine thanks.

8 Q. I introduced myself a few minutes ago, I'm

9 Theresa Gallion representing Hyatt and the individual
10 defendants in a lawsuit that Barb Loder Hildebrandt has
11 brought against those persons and I'd like to ask you some
12 questions today not only about your employment history and
13 record with Hyatt but also about your knowledge of Miss
14 Hildebrandt's claims and her employment history if you have
15 any.

16 If there's anything about my questions that's
17 unclear I trust you'll let me know, I do talk rapidly. If
18 I cut you off or you feel you weren't finished all you have
19 to do is just let me know and I'll stop and you can say
20 whatever you want. There's, you know, again, you can put on
21 the record anything you want. I wouldn't have any objection
22 to that, all I ask is that you just answer my questions
23 unless you're not able to.

24 If you need breaks we'll take them, whatever.

1 APPEARANCES:

2 On behalf of the plaintiff:

3 Robert A. Steinberg, Esq.
4 of
5 Waite, Schneider, Bayless & Chesley
6 1513 Central Trust Tower
7 Cincinnati, Ohio 45202

8 On behalf of the defendants:

9 Theresa M. Gallion, Esq.
10 of
11 Fisher & Phillips
12 1250 Lincoln Plaza
13 300 South Orange Avenue
14 Orlando, Florida 32801
15
16
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20
21
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ORIGINAL

1 whatever housekeeping things we need to do to make you
2 comfortable.

3 A. Thanks.

4 Q. Is there anything about your physical or
5 emotional condition this morning that might in any way
6 impair your ability to testify?

7 A. No.

8 Q. Hopefully you got enough sleep. I know it's
9 burdensome being on West Coast time. Could you tell me
10 where you reside, ma'am?

11 A. Rancho Santa Margarita, California.

12 Q. And what is the street address there, please?

13 A. 55 Tierra Seguro, T-i-e-r-r-a, S-e-g-u-r-o.

14 Q. And that's in Rancho --

15 A. Rancho Santa Margarita, California 92688.

16 Q. Is that in the greater Los Angeles area?

17 A. No, it's in Orange County.

18 Q. How long have you resided there?

19 A. Six years.

20 Q. Do you reside there with anyone?

21 A. No.

22 Q. Are you married?

23 A. No.

24 Q. Are you working anywhere at the current time?

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1 A. I don't remember.

2 Q. Do you have any records that might help you
3 establish this?

4 A. Not with me.

5 Q. What about the 102.85 percent of achievement?
6 Does that seem like the right percentage?

7 A. I know there was one year that I was just, just
8 over 100 percent. I cannot tell you categorically it was
9 1999.

10 Q. You know, instead of wasting time we'll look at
11 your reviews because I bet you they'll have all these
12 numbers and that will be where we can get the accurate
13 information. Now, are you saying your quota was ever
14 adjusted in such a way that was unfair to you because of
15 your age or your sex?

16 A. I, I am claiming that these quota numbers are
17 not correct.

18 Q. My question was were you treated unfairly?
19 Maybe I was unclear. My question was are you saying in
20 connection with your charge that you were treated unfairly
21 because of your sex or age in the establishment of your
22 quota?

23 A. Karen Gray actually was the one who established
24 quotas and I'm not accusing her --

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1 Q. Okay.

2 A. -- of making my quota unfair to me because of
3 my sex or my age.

4 Q. Okay. Look at paragraph five on our charge, if
5 you will. We're going to go back to our charge. Do you
6 know of anything that Jack Horne has done to treat older
7 workers less favorably than younger workers?

8 A. Well, I would have to go, my major one with
9 that would be I'd have to go back with a conversation I had
10 with Jack when Brian Cassidy resigned from the company after
11 many, many years, and I had just, I was on the phone with
12 Jack and had mentioned that, you know, after so long I was
13 surprised that Brian had actually left. And Jack's response
14 to me was there were other dinosaurs in the national sales
15 force that he wouldn't mind seeing go, also, that they had
16 just been around too long.

17 Q. So he said not that they were too old but that
18 they were around too long?

19 A. No. He called them dinosaurs.

20 Q. Okay, dinosaurs, which would be a species of
21 creature that was destroyed according to the big bang theory
22 a number of millions of years ago, is that correct, is that
23 right, what a dinosaur is?

24 A. Yes.

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1 Q. He said they'd been around too long, correct?

2 A. Unless you're using it, the term dinosaurs as a
3 derogatory term referring to somebody who is older and been
4 around too long.

5 Q. Have you ever used it in terms of somebody with
6 outdated philosophies and outdated thoughts, not modern, not
7 sophisticated?

8 A. Again, I go back to --

9 Q. I'm asking you have you heard it used that way?

10 A. Yes, with regard to older workers.

11 Q. Have you heard it used about outdated ideas?

12 A. I have not used it referring to a younger
13 worker who has old-fashioned ideas.

14 Q. Okay. Let's go back to Jack. Anything else
15 that Jack ever did to treat older workers less favorably
16 than younger workers?

17 A. Jack made a habit of visiting younger workers
18 in their accounts much more often. He actually never came
19 to southern California and saw any of my customers.

20 Q. Did you invite him to?

21 A. Yes.

22 Q. What did he say?

23 A. That he had other commitments over different
24 dates and --

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1 Q. Do you know who in your group he did visit
2 with?

3 A. Trina and --

4 Q. Jim Davis?

5 A. I don't know if he ever went to Seattle.
6 Karina, I don't believe he ever visited either Jane Jordan
7 or Jane Johnson.

8 Q. What about Julie or Kim?

9 A. I don't think he ever visited Julie and when he
10 was up seeing Trina's he might have seen some of Kim's, they
11 were both in the Bay area.

12 Q. So you really don't know, is that correct?

13 MR. STEINBERG: Objection.

14 A. For Kim?

15 Q. Yes, for Kim.

16 A. I don't know if he saw any of Kim's customers
17 when he was up visiting Trina's customers.

18 Q. Did he see Kim herself?

19 A. I don't know.

20 Q. Do you know if he saw Harumi Yoshiike?

21 A. I don't believe he did.

22 Q. Do you know?

23 A. No, he did not.

24 Q. How do you know this?

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BARBARA LODER HILDEBRANDT,

Plaintiff,

vs.

HYATT CORPORATION, et al.

Defendants.

Case No. C-1-02 0003

Judge Sandra Beckwith

AFFIDAVIT OF DOUGLAS PATRICK

STATE OF ILLINOIS }

COUNTY OF LAKE }

} ss:

BEFORE ME, the undersigned authority, personally appeared, DOUGLAS PATRICK, who, after first being duly sworn, deposes and states that he is an adult person, over 18 years of age, competent to testify as to the following matters as to which he has personal knowledge or which he believes to be true:

1. I have been employed with Hyatt Hotels Corporation ("Hyatt") since 1986. I am currently the Vice President of Human Resources for Hyatt. I have held this position since May 1, 2003. In this position, I am responsible for overseeing Human Resources for Hyatt's Corporate Office and all of Hyatt's hotels in the United States, Canada and the Caribbean.

2. Prior to this position, I occupied the position of Assistant Vice President of Human Resources for Hyatt, and my duties included overseeing all of the staffing, labor and employee relations work.

EXHIBIT

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3. In my position, I am familiar with Hyatt's corporate structure and the employment of individuals in the National Sales Force, including Barbara Loder Hildebrandt.

4. In my capacities as Vice President of Human Resources and as Assistant Vice President of Human Resources, I have and had access to employee information, including information regarding employees employed in the National Sales Force. This information includes personnel files, personnel information, dates of employment, and dates of birth for Hyatt employees.

5. I am aware that sales personnel of various ages and genders work in the National Sales Force.

6. I am also am familiar with the Reduction in Force that occurred at Hyatt in or about the end of September 2001.

7. Hyatt has in place policies and forms relating to Reductions in Force.

8. I am familiar with those policies and forms and am aware that one such form used in reductions in force is the Business Process Review Form, a copy of which is attached as Exhibit 1 to this Affidavit.

9. The Business Process Review Form is meant for use in the field, or in the hotel level, to communicate from the hotel to Hyatt's Corporate Office the reasons supporting the recommended termination of employees during a reduction in force.

10. Because the decisions regarding the Reduction in Force in September 2001 that affected the National Sales Force were taking place at a corporate level, and the directive to respond to the September 11, 2001, crisis came from the corporate office, the "bottom up" method of communicating contemplated on the Business Process Review Form was unnecessary.

11. I am aware that ten individuals in the National Sales Force were affected by the Reduction in Force in or around September 2001.

12. The individuals who were affected and who were unaffected were of varying ages and had varying lengths of service with Hyatt.

13. I am also aware that a few of the individuals who were not affected by the Reduction in Force had been hired into the National Sales Force in the one to two years prior to the Reduction in Force. Many of these individuals, however, had worked for Hyatt for many years prior to being hired as sales personnel with the National Sales Force.

14. For example, Donna Bongiovanni began working for Hyatt in 1983 and in the National Sales Force in January 2001, when she was 40 years of age; Joann Rumsey began working for Hyatt in 1989 and in the National Sales Force in August 2000; Carolyn Montrose began working for Hyatt in 1988 and for the National Sales Force in May 2001; Judy Lee-Kirchman began working for Hyatt in 1982 and the National Sales Force in June 2001, when she was 41 years of age; Theresa O'Connor began working for Hyatt in 1989, and in the National Sales Force in December 2000, when she was 49 years of age; and Diane Smith began working for Hyatt in 1987 and in the National Sales Force in March 2001, when she was 40 years of age. Gracie Anzaldo Moore, Richard Wood, Ellen Gerchick, hired in the year or two prior to the Reduction in Force, were 40 years of age or older when they were hired to work in the National Sales Force.


15. I am also aware that many individuals over the age of 40 were not affected by the Reduction in Force. For example, individuals of the following ages were retained during the Reduction in Force: In the Central National Sales Force, where Ms. Hildebrandt worked, sales personnel who were 41, 42, 43, 45, 49, and 52 were retained; in the Eastern National Sales Office, sales personnel who were 41, 42, 44, and 52 were retained; in the Western National Sales Office, sales personnel who were 40, 41, 48, and 57 were retained; in the Northeastern National Sales Office, individuals who were 41, 43, 47, 50, 51, and 56 were retained; and in the Omaha National Sales Office, sales personnel who were 42, 43, 57, 50, and 50 were retained.

16. I am also familiar with the employment of Brian Cassidy, who worked as a sales person in the National Sales Force. Mr. Cassidy voluntarily resigned his employment with Hyatt in or about April 2001, and he was not subject to any adverse treatment during his employment due to his age or any other unlawful reason.

FURTHER AFFIANT SAYETH NAUGHT.


DOUGLAS PATRICK

SWORN TO and SUBSCRIBED before me this 24th day of May, 2004, by DOUGLAS PATRICK, Vice President of Human Resources for HYATT HOTELS CORPORATION, who is personally known to me ~~or has produced~~ _____ as identification.





Staff Reduction Analysis

Hotel: _____

Date: _____

Process Redesign Overview and Objectives (Outline proposed changes including how tasks will be eliminated, streamlined or reassigned. Summarize key objectives)

Organizational Changes (Detail staff reductions, how will they be handled and changes in reporting relationships)

Method for determining staff reduction:

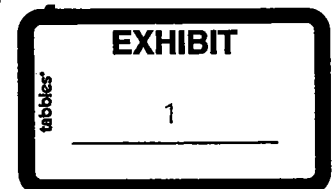
Departmental Seniority

Incumbent performance (completion of Employee Data Sheet –Staff Reduction part B required)

Other: Describe:

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32295



Cost/Benefit Analysis Summary (Provide projected costs and benefits including labor savings, training costs, severance pay, etc.)

Training Needs and Plan (Summarize key training needs and approach including materials, instructors, time frame and costs)

Communications Approach (Highlight key steps you plan to take in communicating changes to employees)

GM Signature _____

Please submit to Corporate Employee/Labor Relations
Fax: 312-920-2350

DDHR Signature _____

DVP Signature _____

ER-LR Review _____

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_32296 -

Staff Reduction Analysis

Hotel: _____

Date: _____

Process Redesign Overview and Objectives (Outline proposed changes including how tasks will be eliminated, streamlined or reassigned. Summarize key objectives)

Organizational Changes (Detail staff reductions, how will they be handled and changes in reporting relationships)

Method for determining staff reduction:

Departmental Seniority

Incumbent performance (completion of Employee Data Sheet –Staff Reduction part B required)

Other: Describe:

CONFIDENTIAL

32297

Cost/Benefit Analysis Summary (Provide projected costs and benefits including labor savings, training costs, severance pay, etc.)

Training Needs and Plan (Summarize key training needs and approach including materials, instructors, time frame and costs)

Communications Approach (Highlight key steps you plan to take in communicating changes to employees)

GM Signature _____

DDHR Signature _____

DVP Signature _____

Please submit to Corporate Employee/Labor Relations
Fax: 312-920-2350

ER-LR Review _____

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32298

[illegible][illegible]

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RIF_Worksheet.xls Staff Reduction List

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BARBARA LODER HILDEBRANDT,

Plaintiff,

vs.

HYATT CORPORATION, et al.,

Defendants.

Case No.
C-1-02-0003

Videotaped Deposition of

EDWARD W. RABIN, taken before JANYCE W. BOOTH,
CSR, RMR, CRR, and Notary Public, pursuant to the
Federal Rules of Civil Procedure for the United
States District Courts pertaining to the taking of
depositions, at 140 South Dearborn Street, Suite
420, Chicago, Illinois, commencing at 2:07 p.m. on
the 21st day of April, A.D., 2004.

02:30:51 1 A That would have been certainly on the
02:30:57 2 list where possible. Again, there's no universal
02:31:02 3 rule that necessarily applies.

02:31:08 4 Q Do you recall anything specific that was
02:31:11 5 done or any statements that were issued that
02:31:13 6 related to restricting new hiring?

02:31:18 7 A I think we -- we would have had I'm sure
02:31:23 8 any number of communications, both verbal and
02:31:28 9 written, that said no new hiring during this
02:31:34 10 period or new hiring should be kept to a minimum.

02:31:38 11 Q Would that go out to your management
02:31:39 12 employees?

02:31:41 13 A I'm -- absolutely.

02:31:46 14 Q Including the national sales force?

02:31:49 15 A It would -- I would think it may be a
02:31:51 16 little different there because they don't -- it's
02:31:54 17 not like new hiring. It's not a -- it's not a
02:31:56 18 function that is subject to a lot of open
02:32:00 19 positions. I think this is not -- it's a little
02:32:06 20 unique in that regard.

02:32:08 21 Q All right. I want to ask you a couple
02:32:10 22 questions about Mr. Schnitz who's sitting here.

02:32:17 23 A Should we excuse him?

02:32:18 24 Q No. It's fine with me.

02:32:21 1 Were you involved in hiring Mr. Schnitz?

02:32:24 2 A I believe I was part of the interview

02:32:28 3 process at some point. The answer is yes. I was.

02:32:35 4 Q Okay. Do you recall what his role was to
02:32:37 5 be when he joined the company?

02:32:40 6 A His position was to fill a need in our
02:32:46 7 labor relations and principally in that area as a
02:32:59 8 key need of the company. But his overall acumen
02:33:08 9 and understanding of the law invites him to
02:33:11 10 participate in a lot of other areas also. So...

02:33:14 11 Q And he had been a member of the Fisher &
02:33:17 12 Phillips law firm before he came with?

02:33:21 13 A I -- I did not know that, no.

02:33:23 14 Q So you don't know that today?

02:33:24 15 A I know that now, yes.

02:33:26 16 Q Okay. Was part of Mr. Schnitz's role to
02:33:32 17 help develop a plan for eliminating positions at
02:33:37 18 Hyatt?

02:33:40 19 A Upon joining the organization or in
02:33:42 20 conjunction with joining the organization?

02:33:44 21 Q Yes.

02:33:44 22 A If it were, it was only coincidental that
02:33:49 23 that was his first assignment. And, again, I
02:33:52 24 don't know timing wise.